



# U.S. DEPARTMENT of STATE

## Benin

### Country Reports on Human Rights Practices - [2004](#)

Released by the Bureau of Democracy, Human Rights, and Labor  
February 28, 2005

The Republic of Benin is a constitutional democracy headed by President Mathieu Kerekou, who was inaugurated in 2001 after elections that observers generally viewed as free but not entirely fair. The March 2003 parliamentary elections, which were generally free, fair, and transparent, resulted in a loss of seats by the opposition. One opposition party joined the government coalition; as a result, the opposition holds 18 of 83 seats. During the year, the executive branch interfered with the judiciary, which was inefficient and susceptible to corruption at all levels.

The security forces consist of the armed forces, headed by the State Ministry of Defense, and the police force under the Ministry of Interior, Security, and Decentralization. The Ministry of Defense supervises the Gendarmerie, which exercises military police functions in rural areas, while the Ministry of Interior supervises other police forces. The armed forces under the Ministry of Defense continued to play an apolitical role in government affairs despite concerns about lack of morale within its ranks. Civilian authorities maintained effective control of the security forces. Members of the security forces committed some human rights abuses.

The country was extremely poor with average yearly per capita income of \$1,100; its population was approximately 7.2 million. The economy was mixed and based largely on subsistence agriculture, cotton production, and regional trade. The Government maintained the austerity program; continued to privatize state-owned enterprises; reduced fiscal expenditures; and deregulated trade. However, the economy's growth rate contracted from 5.5 percent in 2003 to 3 percent at year's end due to Nigeria's increased enforcement of import regulations, loss of revenue at the Port of Cotonou, and endemic corruption.

The Government generally respected the human rights of its citizens; however, there were problems in several areas. There were credible reports that police sometimes beat suspects, and at times the authorities arbitrarily arrested and detained persons; however, unlike in the previous year, police did not detain or beat journalists. Police forcibly dispersed demonstrations, which resulted in deaths and injuries. The most serious human rights problems continued to be the failure of police forces to curtail acts of vigilantism and mob justice; harsh and unhealthy prison conditions; prolonged pretrial detention; judicial corruption; violence and societal discrimination against women; and trafficking and abuse of children. The practice of female genital mutilation (FGM) and, to a lesser extent, infanticide also remained problems. Child labor, including forced and compulsory child labor, continued to be a problem.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Arbitrary or Unlawful Deprivation of Life

There were no politically motivated killings by the Government or its agents; however, security forces shot and killed persons during violent demonstrations during the year (see Section 2.b.).

During the year, incidents of mob justice continued to occur, in part due to the perceived failure of local courts to adequately punish criminals. Most often these were cases of mobs killing or severely injuring suspected criminals, particularly thieves caught in the act. On August 12, for example, after the release on a technicality of six carjackers, a mob in Cotonou burned to death a man caught stealing motorbikes; during the same month, a separate mob beat to death two men caught robbing a local woman. Although a number of these incidents occurred in urban areas and were publicized in the press, the Government apparently made no concerted attempt to investigate or prosecute anyone involved, and police generally ignored vigilante attacks.

There was no known action taken against persons responsible for mob killings in 2002.

#### b. Disappearance

There were no reports of politically motivated disappearances.

During the year, hundreds of children were trafficked within the country and to neighboring countries to work as domestic servants, prostitutes, or laborers in quarries or farms (see Section 5). While some of these children were trafficked with the consent of their families for economic reasons, some children were kidnapped by force.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, there were credible reports during the year that police sometimes beat those in custody.

The Government continued to make payments to victims of torture under the military regime, and some persons received payment for property they lost under the regime. During the year, some citizens who fled the country during the military regime continued to receive compensation.

Unlike in the previous year, there were no reports that police detained and beat journalists.

On October 30, the military paid \$5,865 (2.9 million FCFA) in compensation to each person injured in January 2003, when 40 paratroopers in the district of Zogbodome attacked civilians with knives, bottles, machetes, and other types of weapons in retaliation for the injury to one of their colleagues in a bar fight.

Mob justice resulted in deaths and injuries (see Section 1.a.).

Prison conditions continued to be extremely harsh. Overcrowding and lack of proper sanitation and medical facilities posed a risk to prisoners' health. According to the Justice Ministry, at times, the country's eight civil prisons were filled to more than three times their capacity. The prison diet was inadequate, and malnutrition and disease were common. Family members were expected to provide food for inmates to supplement prison rations.

Women were housed separately from men; however, juveniles at times were housed with adults. Pretrial detainees were held with convicted prisoners; however, they were not held with the most violent convicts or those subject to the death penalty.

The Government permitted prison visits by human rights monitors; nongovernmental organizations (NGOs) and other agencies continued their prison visits.

#### d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention; however, at times the authorities did not respect these prohibitions in practice.

The police, who were poorly equipped and trained, were criticized for corruption and ineffectiveness. During the year, the Government took steps to address these problems by recruiting more officers, building more stations, and modernizing equipment. Impunity was a problem; however, several police officers accused of corruption were dismissed during the year.

The law requires arrest warrants and prohibits detention for more than 48 hours without a hearing by a magistrate whose order is required for continued detention. Detainees must be brought before a judge within 48 hours of arrest. After examining a detainee, the judge has 24 hours to decide whether to continue the detention or release the individual. Suspects have the right to an attorney, but only after being brought before a judge. Warrants authorizing pretrial detention were effective for 6 months and could be renewed every 6 months until the suspect was brought to trial. The Government provided counsel in criminal cases only.

On April 2, police arrested and detained student demonstrators at the University of Abomey Calavi (see Section 2.b.).

Despite the legal provision that prohibits detention for more than 48 hours, there were credible reports that authorities exceeded this limit in many cases, sometimes by as much as a week, using the common practice of holding a person indefinitely "at the disposition of" the public prosecutor's office before presenting the case to a magistrate. Approximately 75 percent of persons in prison were pretrial detainees.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the Government did not always respect this provision in practice. The executive branch has important powers with regard to the judiciary, which struck intermittently during the year to protest executive branch interference (see Section 6.b.). The judiciary remained inefficient in some respects and susceptible to corruption at all levels.

The President appoints career magistrates as judges in civil courts, and the Constitution gives the Ministry of Justice administrative authority over judges, including the power to transfer them. Inadequate facilities, poorly trained staff, and overcrowded dockets delayed the administration of justice. Low salaries made magistrates and clerks susceptible to corruption.

During the year, the Government continued its efforts to curb judicial corruption. On June 4, the court rendered its decision on the 87 judges, court clerks, and public accountants detained for 29 months on corruption charges: 62 persons received sentences from 6 months' to 5 years' imprisonment; and 25 persons were acquitted. Judicial salaries increased significantly during the year, and the Justice Ministry reinstated training programs for incoming magistrates.

A civilian court system operated on national and provincial levels. The Supreme Court was the court of last resort in all administrative and judicial matters. There were two courts of appeals, one of which was added during the year. The Constitutional Court was charged with deciding on the constitutionality of laws, disputes between the President and the National Assembly, and disputes regarding presidential and legislative elections. It demonstrated its independence in previous years by ruling against both the executive and legislative branches; however, the Constitutional Court, which also has jurisdiction in human rights cases, was accused of bias in favor of the President during the 2001 presidential elections (see Section 3). There was also a High Court of Justice to try the President and ministers for crimes related to their professional responsibilities.

Military disciplinary councils deal with minor offenses by members of the military services, but they have no jurisdiction over civilians.

The legal system is based on French civil law and local customary law. The Constitution provides for the right to a fair public trial. A defendant is presumed innocent and has the right to be present at trial and to representation by an attorney, at public expense if necessary. In practice, the court provided indigent defendants with court-appointed counsel upon request. A defendant also has the right to confront witnesses and to have access to government-held evidence. Trials were open to the public, but, in exceptional circumstances the president of the court may decide to restrict access to preserve public order or to protect the parties. Defendants who were awaiting a verdict may request release on bail; however, the courts granted such requests only on the advice of the Attorney General's office.

There were no reports of political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. Police were required to obtain a judicial warrant before entering a private home, and they usually observed this requirement in practice.

The results of the National Assembly's 2001 investigation into alleged governmental wiretapping was released during the year; however, the results were inconclusive and did not lead to further prosecutions.

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice and did not restrict academic freedom. Unlike in the previous year, there were no reports that police beat and detained journalists.

The law provides for prison sentences involving compulsory labor for certain acts or activities related to the exercise of the right of free expression. The law concerns threats to public order or calls to violence, but it is vaguely worded and susceptible to abuse.

During the year, the Government ordered the NGO Association ELAN to remove its billboards that expressed opposition to amending the Constitution; the billboards were viewed widely as referring to an amendment to allow President Kerekou to run for a third term of office. The Government publicly accused ELAN of conducting an electoral campaign outside of the designated campaign season. ELAN did not remove the billboards, which security forces subsequently defaced.

There was a large and active privately owned press composed of more than 20 daily newspapers. These publications criticized the Government freely and frequently, but the effect on public opinion was limited because of their urban concentration and widespread illiteracy. A nongovernmental media ethics commission (ODEM) continued to censure some journalists during the year for unethical conduct, such as reporting falsehoods or inaccuracies or releasing information that was still under embargo. During the year, ODEM criticized three newspapers for publishing articles inciting regionalism along ethnic lines. ODEM also charged that some journalists had failed to adhere to professional standards.

Privately owned radio and television stations were popular sources of information. Programs critical of the Government were broadcast without interference during the year, and "call in" and other talk shows often were used for public discussion of various topics.

The Government continued to own and operate the media that were most influential in reaching the public because of broadcast range and infrastructure. The majority of citizens were illiterate, lived in rural areas, and generally received their news via radio. The Office of Radio and Television (ORTB) broadcast in French and local languages. Radio France International and the British Broadcasting Corporation broadcast in Cotonou. Fifteen rural radio stations, which were governed by local committees and received support from the ORTB, broadcast several hours a day exclusively in local languages.

The ORTB television station broadcast more than 12 hours per day, primarily in French. Several private television stations broadcast, including GOLF TV and LC 2. Although neither television station broadcast partisan programs, the vast majority of news programming centered on government officials' activities, government sponsored conferences, and international stories provided by French television or other foreign sources.

The government entity that oversaw media operations was the High Authority for Audio Visual Media and Communications, which required broadcasters to submit weekly lists of planned programs and required publishers to deposit copies of all publications with it; however, the media did not comply with these requirements in practice. The information was used for administrative purposes; however, journalists often complained that it was an attempt at censorship.

The Government did not restrict the Internet.

The University of Abomey-Calavi, which closed in April after a violent student demonstration, subsequently reopened; however, most classes did not resume because of a nationwide teacher's strike (see Section 2.b.).

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government generally respected this right in practice. The Government requires permits for use of public places for demonstrations and generally granted such permits; however, the Government sometimes used "public order" to deny legitimate requests for permits from opposition groups and labor unions.

During the year, police forcibly dispersed demonstrations, which resulted in two deaths and numerous injuries.

On April 2, police used tear gas to disperse a violent demonstration at the University of Abomey-Calavi. Dozens of students were arrested and briefly detained, some students were injured, and the University was closed. The demonstration, which was triggered by the death of a student in an accident with a university bus, became violent when students discovered an undercover police officer among them. The University subsequently reopened; however, most classes did not resume due to a nationwide teacher's strike.

On August 18, police in Porto Novo fired into a crowd of violent demonstrators; one person was killed and numerous persons were injured. The mob was protesting the August 18 arrest of several persons who had smuggled cheap gasoline into the country and attacked the gas station owners, who were believed to have informed the police. The police first arrived at the scene without enough officers or equipment, but they returned and used teargas to disperse the crowd, which had looted buildings and vehicles and attempted to burn the National Assembly building. A second death was reported during the clash, but it was unclear how the person was killed. There were no arrests in connection with the incident by year's end.

In October, police forcibly dispersed students demonstrating against tuition increases; there were no reported injuries.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. The Government requires associations to register and routinely granted registrations.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

Persons who wish to form a religious group must register with the Ministry of the Interior. There were no reports that any group was refused permission to register or was subjected to unusual delays or obstacles in the registration process.

For a more detailed discussion, see the [2004 International Religious Freedom Report](http://www.state.gov/g/drl/rls/hrrpt/2004/41588.htm).

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice; however, the presence of police, gendarmes, and illegal roadblocks impeded domestic movement. Although ostensibly meant to enforce automotive safety and customs regulations, many of these checkpoints served as a means for officials to exact bribes from travelers. The Government maintained previously implemented measures to combat such corruption at roadblocks; however, they were not always effective, and extortion occurred.

In May, Nigeria secured its western border with the country to curb the smuggling of stolen cars and other products. Increased surveillance and security measures remained in place at year's end.

The Government maintained documentary requirements for minors traveling abroad as part of its continuing campaign against trafficking in persons (see Section 5).

The Government's policy toward the seasonal movement of livestock allowed migratory Fulani herdsman from other countries to enter freely; the Government did not enforce designated entry points. Disputes arose between the herdsman and local landowners over grazing rights.

The Constitution prohibits the forced exile of citizens, and it was not practiced.

The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has established a system for providing protection to refugees. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution, and granted refugee status or asylum. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention/1967 Protocol. The UNHCR estimated that there were more than 5,000 refugees of various nationalities in the country and that approximately 1,000 persons residing in the country were requesting asylum. During the year, a number of citizens of Togo entered the country and were granted refugee status or given temporary protection; however, many returned to Togo and reportedly worked in Togo while still claiming refugee benefits in the country. Despite severe economic pressures that limited its ability to provide education for children, the Government allowed these Togolese to enroll their children in local schools and permitted their participation in most economic activities.

During the year, the UNHCR determined that the more than 200 Ogoni refugees from Nigeria could safely return home and were no longer entitled to refugee status. Although no Ogoni were forcibly returned to Nigeria, the UNHCR ran incentive programs to encourage their repatriation and reduced food and housing subsidies to the Ogoni.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and generally fair elections held on the basis of universal suffrage. Observers viewed the March 2003 National Assembly and 2002 municipal elections as generally free and fair; however, opposition parties charged that there were some irregularities. The Constitution provides for a 5 year term of office for the president (who is limited to two terms) and 4 year terms for National Assembly members (who may serve an unlimited number of terms). The Constitution limits candidates for the presidency to persons between the ages of 40 and 70 years. Municipal terms are for 4 years. There were 12 political parties and coalitions represented in the unicameral, 83 member National Assembly.

The March 2003 National Assembly elections resulted in a loss of seats by the opposition, notably the Rebirth of Benin (RB), the primary opposition party led by former president Nicéphore Soglo. A second opposition party, that of the former Prime Minister Adrien Houngbédji, joined the government coalition, leaving only Soglo's party and the minor Star Alliance (AE) party in the opposition. The RB held 15 of the National Assembly's 83 seats; AE held 3 seats.

Opposition parties criticized the National Election Commission's handling of the country's first-ever municipal elections in 2002 and charged that the pro-Kerekou coalition engaged in vote-buying, forged voter cards, and other types of fraud. Despite these charges, the opposition won the majority of seats on the municipal councils in the large cities.

President Kerekou was inaugurated in 2001. Observers viewed the reelection of Kerekou as free but not entirely fair because of the apparent judicial manipulation of the presidential electoral counts, the intimidation of opposition deputies, and the unprecedented scope of the campaign expenditures made by the President's coalition. When opposition candidates challenged the preliminary, first-round presidential vote tallies, the court initially affirmed those results despite the electoral commission's concession that computer failures and other irregularities made those tallies unreliable. Following extensive public criticism, the court reviewed the evidence in more detail, modified the tallies, and gave some of the numerous opposition candidates marginally higher total votes. No members of the opposition were in the President's Cabinet or in the National Assembly's Executive Committee.

Official corruption was widespread. During the year, there were reports of financial improprieties in the privatization of Sonacop, the state-owned oil company. During a November 2003 radio broadcast, the Chief of the Government's Anti-Corruption Commission charged that 95 percent of government ministers sought to bypass procurement rules and procedures. In 2003, President Kerekou stated publicly that senior officials of his cabinet were involved in corruption and related offenses.

There were no laws that provided for public access to government information.

There were 4 women in the 21 member Cabinet. There were 5 women in the 83 member, unicameral National Assembly, including the leader of the largest opposition party. The President of the Constitutional Court was a woman.

Minority ethnic groups were well represented in government agencies, civil service, and the armed forces. In the National Assembly, 19 members were from the Goun-Nago-Yoruba ethnic group, 15 from the Bariba, and 10 from the Somba-Dendi and other smaller groups.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

The International Federation of Human Rights published a report during the year that criticized the Government; observers in the media and civil society charged that the report was unduly critical of the Government and sometimes factually wrong.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution prohibits discrimination based on race and sex; however, societal discrimination against women continued. Persons with disabilities were disadvantaged.

##### Women

Domestic violence against women, including wife beating, was common. NGO observers believed that women remained reluctant to report cases. Judges and police also were reluctant to intervene in domestic disputes; society and law enforcement considered such cases to be an internal family matter. The maximum penalty ranged from 6 to 36 months' imprisonment. In March 2003, a local chapter of a regional NGO, Women in Law and Development Benin, opened to offer social, legal, medical, and psychological assistance to victims of domestic violence; the organization was effective during the year.

The Law prohibits rape, and the Government enforced the law effectively. Sentences for rape ranged from 1 to 5 years' imprisonment.

FGM was practiced on females ranging from infancy through 30 years of age and generally took the form of excision; approximately 50 percent of women in the country have undergone FGM. FGM was outlawed in March 2003, and the law provides for penalties for performing the procedure, including jail sentences of up to 10 years in prison and \$10,000 (6 million CFA francs); however, the Government generally was unsuccessful in preventing the practice. There was a strong profit motive in the continued practice of FGM by those who performed the procedure, usually older women. The efforts of NGOs and others to educate rural communities about the dangers of FGM and to retrain FGM practitioners in other activities continued during the year. A prominent NGO, the local chapter of the Inter African Committee, made progress in raising awareness of the dangers of the practice, and the Government cooperated with its efforts. During the year, the Ministry of Family continued an education campaign that included conferences in schools and villages, discussions with religious and traditional authorities, and banners. NGOs also addressed this issue in local languages on local radio stations.

Prostitution, which is illegal, was a problem, particularly child prostitution. Sentences for prostitution included imprisonment of 6 months to 2 years and a fine of \$800 (400,000 CFA francs) to \$8,000 (4 million CFA francs).

Although the Constitution provides for equality for women in the political, economic, and social spheres, women experienced extensive societal discrimination, especially in rural areas where they occupied a subordinate role and were responsible for much of the hard labor on subsistence farms. In urban areas, women dominated the trading sector in the open air markets. A new Family Code was promulgated during the year and provides women with better inheritance and property rights and significantly increases their rights concerning marriage, including a prohibition on forced marriage and polygyny.

##### Children

The Government has stated publicly its commitment to children's rights and welfare; however, it lacked the resources to demonstrate that commitment. The Ministry of Family was responsible for the protection of children's rights, primarily in the areas of education and health. The National Commission for Children's Rights and the Ministry of Family had oversight roles in the promotion of human rights issues with regard to children and their welfare.

Primary education was compulsory for all and tuition free for girls; however, in some parts of the country, girls received no formal education, and parents paid tuition for both boys and girls because many schools had insufficient funds. The Government implemented programs such as offering books at reduced prices to promote children's access to primary schools and to enhance the quality and relevance of schooling received. According to UNICEF, primary school enrollment was approximately 90 percent of boys and approximately 60 percent of girls nationwide; only 26 percent of boys and 12 percent of girls were enrolled in secondary school. Girls did not have the same educational opportunities as boys, and female literacy was approximately 18 percent (compared with 50 percent for men). However, recent elementary school pass rates for girls have increased. Strikes by teachers during the year seriously disrupted the school year (see Section 6.b.).

There was a tradition in which a groom abducts and rapes his prospective child bride (under 14 years of age). The practice was widespread in rural areas, but the Government and NGOs worked to end it through information sessions on the rights of women and children.

Criminal courts meted out stiff sentences to criminals convicted of crimes against children; however, many such crimes never reached the courts due to lack of education and access to the courts or fear of police involvement in the problem.

FGM was commonly performed on young girls (see Section 5, Women).

The Constitution and the law prohibit child prostitution; however, enforcement was frequently lax, and the commercial sexual exploitation of children was a problem (see Section 5, Trafficking). Some street children became prostitutes to support themselves.

Trafficking in children remained a problem. Some trafficking of children occurred in connection with the forced servitude practice called "vidomegon," in which children worked, but the arrangement was voluntary between the two families (see Section 5, Trafficking).

Traditional practices included the killing of deformed babies, breech babies, and one of two newborn twins (all of whom were thought to be sorcerers) in some rural areas; however, such practices sharply decreased during the year, in large part due to widespread NGO media campaigns against the practice. Some NGOs combined their anti infanticide efforts with programs to counter FGM.

#### Trafficking in Persons

Although no law specifically prohibits trafficking in persons, the Government interprets its laws as prohibiting trafficking in persons in general and in underage girls in particular; however, there were reports of trafficking in children. The Criminal Code prohibits kidnapping. The country was a source, transit, and destination for trafficked persons, primarily children.

Penalties for traffickers involved in "labor exploitation" ranged from fines, to prison terms, to forced labor, to the death penalty, depending on the severity of the crime and the length of time over which the exploitation occurred. Penalties for the trafficking of minors for prostitution ranged from 2 to 5 years' imprisonment with a fine of \$2,000 (1 million CFA francs) to \$20,000 (10 million CFA francs).

In March, authorities intercepted a truck carrying more than 100 children to be trafficked to Nigeria; however, it was unclear whether anyone was prosecuted in the case. In July, police arrested Enoumekpe Sowlaounde, a Togolese citizen, for trafficking eight Togolese girls into the country to work as domestic servants. In 3 other cases in July, police arrested 4 traffickers trying to smuggle 27 children out of the country to Togo, Cote d'Ivoire, and Ghana. The traffickers, two citizens of the country and two Togolese, were arrested and awaiting trial at year's end. The children in these cases, all of whom had been trafficked with the consent of their parents to earn money, were returned to their families.

The traditional practice of vidomegon, in which poor, often rural, families placed a child, primarily a daughter, in the home of a more wealthy family to avoid the burden the child represented to the parental family, increasingly involved abuse. While originally a voluntary arrangement between two families, vidomegon increasingly involved the child in forced labor, long hours, inadequate food, and sexual exploitation. Approximately 90 to 95 percent of the children in vidomegon were young girls. Children were sent from poorer families to Cotonou and then some of the children were sent to Gabon, Cote d'Ivoire, and the Central African Republic to help in markets and around the home. The child received living accommodations, while income generated from the child's activities was split between the child's parents in the rural area and the urban family that raised the child.

Children were trafficked to Ghana, Nigeria, and Gabon for indentured or domestic servitude, farm labor, and prostitution. In addition, hundreds of children were taken across the border to Togo and Cote d'Ivoire to work on plantations. Children from Niger, Togo, and Burkina Faso have been trafficked to the country for indentured or domestic servitude. Trafficking victims generally originated from the country's southernmost provinces, those with the easiest access to the paved coastal highway that links Cote d'Ivoire, Togo, Benin, and Nigeria. Trafficked children generally came from poor rural areas and were promised educational opportunities or other incentives.

According to UNICEF, four distinct forms of trafficking occur in the country. "Trafic don" was when children were given to a migrant family member or stranger, who turned them over to another stranger for vocational training or education. "Trafic gage" was a form of indentured servitude, in which a debt was incurred to transport the child, who was not allowed to return home until the debt was repaid. "Trafic ouvrier" involved children of ages 6 years to 12 years, and they worked as artisans, construction laborers, or agricultural or domestic workers. This was the most common variant, estimated to be 75 percent of the total traffic of the three provinces UNICEF surveyed in 2000. Finally, "trafic vente" was the outright sale of children.

According to a survey of child labor conducted in 1999, 49,000 rural children, constituting 8 percent of the rural child population between the ages of 6 and 16, worked abroad, primarily in the mines of Nigeria, as agricultural workers on plantations in Cote

d'Ivoire, and as domestic workers in Gabon. Only children who had been trafficked explicitly for labor purposes were counted among the 49,000 children that were estimated to be victims of trafficking. However, the children who left "for other reasons" may conceal an additional number of trafficked children and bring the number close to 80,000. Of the trafficked children in this child labor study, 61 percent were boys and 39 percent were girls. Organized child traffickers particularly have victimized certain villages, and there were villages where up to 51 percent of children were trafficked.

Child prostitution mainly involved girls whose poor families urged them to become prostitutes to provide income. Such children were abused sexually by teachers who sought sex for better grades and lured to exchange sex for money by older men who acted as their "protectors." There were reports of sexual tourism and reports that adult males preferred young girls because they were viewed as less demanding and less likely to have HIV/AIDS. NGOs and international organizations organized assistance to child prostitution victims and worked on prevention programs.

The Government had bilateral agreements with Togo, Gabon, and Nigeria, which focused on border control and repatriation of trafficking victims. Security forces in the country and in Nigeria conducted joint border patrols to curb smuggling and banditry. Regional efforts also continued between heads of state of concerned countries to cooperate to identify, investigate, and prosecute agents and traffickers, and to protect and repatriate trafficking victims.

On February 27, the Government established a 15-member national child protection committee to oversee the fight against child trafficking and the work of child protection organizations. Committee members were drawn from the Government, police, and child welfare organizations. Committee goals included publishing a directory of child welfare organizations and an evaluation of the effectiveness of each.

The Brigade for the Protection of Minors, under the jurisdiction of the Interior Ministry, fought crimes against children. The Ministry of the Family also opened centers in urban areas to provide education and vocational training to victims of violence. The Government also worked with NGOs to combat trafficking in children, taking measures that included media campaigns and greater border surveillance; however, police complained that they lacked equipment to monitor trafficking adequately.

During the year, the Ministry of Family, international NGOs, and the donor community assisted numerous children who had been trafficked to other countries to work in mines, quarries, and farms. Efforts included the provision of food, shelter, medical treatment, and subsequent placement in educational and vocational programs. During the first 6 months of the year, approximately 500 trafficked children were reunited with their families.

#### Persons with Disabilities

The Constitution provides that the State should care for persons with disabilities; however, there were no legal requirements for the construction or alteration of buildings to permit access for persons with disabilities. The Government operated few institutions to assist persons with disabilities, and many such individuals were forced to beg to support themselves.

The Labor Code includes provisions to protect the rights of workers with disabilities, which were enforced with modest effectiveness during the year.

#### Section 6 Worker Rights

##### a. The Right of Association

The Constitution provides workers with the freedom to organize, join unions, and meet, and the Government generally respected these rights in practice. The labor force of approximately 2 million was engaged primarily in subsistence agriculture and other primary sector activities, with only a small percentage of the population engaged in the formal (wage) sector. Although approximately 75 percent of the wage earners belonged to labor unions, a much smaller percentage of workers in the private sector were union members.

The Labor Code prohibits employers from taking union membership or activity into account regarding hiring, work distribution, professional or vocational training, or dismissal; however, the Government did not always enforce these provisions, and there were reports that individuals were dismissed for union activity.

##### b. The Right to Organize and Bargain Collectively

The Labor Code generally allows workers the freedom to organize and administer their own unions. The Labor Code provides for collective bargaining, and workers freely exercised these rights. Wages in the private sector were set in negotiations between unions and employers. The Government sets wages in the public sector by law and regulation. There are no export processing zones.

Strikes were permitted, and workers must provide 3 days advance notice; however, the authorities can declare strikes illegal for stated causes, such as threatening to disrupt social peace and order, and can requisition striking workers to maintain minimum services. Workers exercised their right to strike during the year. The Government may not prohibit any strike on the grounds that



it threatens the economy or the national interest. A company may withhold part of a worker's pay following a strike. Laws prohibit employer retaliation against strikers, and the Government enforced them effectively.

Teacher strikes, which disrupted schools from the primary through university levels, were conducted from August through year's end. In some cases, students lost nearly a year of instruction.

Judicial employees went on strike for 2 months to protest executive interference in a carjacking case.

#### c. Prohibition of Forced or Compulsory Labor

The Labor Code prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred, and trafficking was a problem (see Sections 5 and 6.d.). The law provides for sentences of imprisonment involving compulsory labor for certain acts or activities related to the exercise of the right of free expression (see Section 2.a.); no such sentences were imposed during the year.

#### d. Prohibition of Child Labor and Minimum Age for Employment

The Labor Code prohibits the employment or apprenticeship of children under 14 years of age in any enterprise; however, child labor remained a problem. The Ministry of Labor enforced the Labor Code in only a limited manner (and then only in the formal sector) due to the lack of inspectors. To help support their families, children of both sexes including those as young as 7 years old continued to work on rural family farms, in small businesses, on construction sites in urban areas, in public markets as street vendors, and as domestic servants under the practice of *vidomegon* (see Section 5). A majority of children working as apprentices were under the legal age of 14 for apprenticeship.

Some financially desperate parents indentured their children to "agents" recruiting farm hands or domestic workers, often on the understanding that wages for the children would be sent to the parents. According to press reports, in some cases, these agents took the children to neighboring countries for labor (see Section 5). Also, many rural children were sent to cities to live with relatives or family friends, often on the understanding that in return for performing domestic chores, they would receive an education. Host families did not always honor their part of the bargain, and the abuse of child domestic servants occurred.

The Government took steps to educate parents and to prevent such placing of children in compulsory labor. The Government undertook media campaigns, regional workshops, and public pronouncements on child labor problems. The Government worked with a network of NGOs and journalists to educate the population on the problems of child labor and child trafficking.

The Ministry of Family, in conjunction with the Labor Ministry and the Justice Ministry, continued a 2003 program to fight child labor in major cities.

#### e. Acceptable Conditions of Work

The Government administratively set minimum wage scales for a number of occupations. In 2000, the Government raised the minimum wage to approximately \$50 (25,000 CFA francs) per month. However, the minimum wage did not provide a decent standard of living for a worker and family. Many workers had to supplement their wages by subsistence farming or informal sector trade. Most workers in the wage sector earned more than the minimum wage, although many domestics and other laborers in the informal sector earned less.

The Labor Code establishes a workweek of between 40 and 46 hours, depending on the type of work, and provides for at least one 24 hour rest period per week. Domestic and agricultural workers frequently worked 70 hours or more per week. The authorities generally enforced legal limits on workweeks in the formal sector.

The code establishes health and safety standards, but the Ministry of Public Service, Labor, and Administrative Reform did not enforce them effectively. The law does not provide workers with the right to remove themselves from dangerous work situations without jeopardy to continued employment. The Ministry has the authority to require employers to remedy dangerous work conditions but did not enforce this authority effectively.

The law protects legal foreign workers.